

EXHIBIT A



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Transcript of Christopher Ambrose

Date: July 7, 2022

Case: XR Communications, LLC -v- D-Link Systems, Inc., et al.

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Christopher Ambrose
Conducted on July 7, 2022

1 (1 to 4)

1	IN THE UNITED STATES DISTRICT COURT	1	A P P E A R A N C E S
2	FOR THE CENTRAL DISTRICT OF CALIFORNIA	2	
3	LOS ANGELES DIVISION	3	
4	-----X	4	ON BEHALF OF PLAINTIFFS:
5	XR COMMUNICATIONS LLC d/b/a :	5	PHILIP X. WANG, ESQUIRE
6	VIVATO TECHNOLOGIES, :	6	RUSS AUGUST & KABAT
7	Plaintiffs, :	7	12424 Wilshire Boulevard
8	v. :Civil Action No:	8	12th Floor
9	:8:17-CV-00596	9	Los Angeles, California 90025
10	D-LINK SYSTEMS, INC., :	10	310.826.7474
11	Defendants. :	11	
12	-----X	12	
13	DEPOSITION OF CHRISTOPHER AMBROSE	13	ON BEHALF OF DEFENDANT - ARUBA NETWORKS:
14	APPEARING REMOTELY FROM BEND, OREGON	14	ROBERT T. HASLAM, ESQUIRE
15	THURSDAY, JULY 7, 2022	15	KEE YOUNG LEE, ESQUIRE
16	12:00 P.M.	16	COVINGTON & BURLING LLP
17		17	3000 El Camino Real
18		18	5 Palo Alto Square - 10th Floor
19		19	Palo Alto, California 94306
20		20	650.632.4700
21		21	
22		22	
23	Job No.: 455085	23	
24	Pages 1 - 84	24	
25	Reported by: Adrienne Mignano, RPR	25	
2		4	
1	Deposition of CHRISTOPHER AMBROSE, held via	1	A P P E A R A N C E S (Continued)
2	Zoom videoconferencing, pursuant to Notice, before	2	
3	Adrienne M. Mignano, a Notary Public and Registered	3	
4	Professional Reporter in and for the State of New	4	ON BEHALF OF DEFENDANT - NETGEAR & FALCON
5	York.	5	ALEXANDRA LANE, ESQUIRE
6		6	DUANE MORRIS LLP
7		7	1540 Broadway
8		8	New York, New York 10036
9		9	212.471.4772
10		10	
11		11	ALSO PRESENT:
12		12	Drew Halton - Videographer
13		13	Malcolm Cooke - Remote Technician
14		14	
15		15	
16		16	
17		17	
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25		25	

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7			
8	EXHIBITS		
9	(Attached to the transcript)		
10	AMBROSE DEPOSITION EXHIBITS	PAGE	
11	Exhibit 1 Document Bates stamped	22	
12	XR-ARUBA0007354-355		
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18	Dated December 11, 2008		
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1	REMOTE TECH: Thank you to everyone	6	8
2	for attending this proceeding remotely, which we		
3	anticipate will run smoothly. Please remember		
4	to speak slowly and do your best not to talk		
5	over one another.		
6	Please be aware we are recording this		
7	proceeding for backup purposes. Any		
8	off-the-record discussions should be had away		
9	from the computer. Please remember to mute your		
10	mic for those conversations.		
11	Please have your video enabled to		
12	help the reporter identify who is speaking. If		
13	you are unable to connect with video and are		
14	connecting via phone, please identify yourself		
15	each time before speaking.		
16	I apologize in advance for any		
17	technical-related interruptions. Thank you.		
18	THE VIDEOGRAPHER: Here begins Disk		
19	Number 1 in the video deposition of Christopher		
20	Ambrose in the matter of XR Communications, LLC		
21	d/b/a Vivato Technologies versus D-Link Systems,		
22	Inc., in the U.S. District Court, Central		
23	District of California, Civil Action Number:		
24	24 8:17-CV-00596-DOC.		
25	Today's date is July 7, 2022. Time		
1	on the video monitor is 12:01 p.m. Eastern. The		
2	videographer is Drew Halton for Planet Depos.		
3	All participants are attending remotely.		
4	Would counsel please voice-identify		
5	themselves and state whom they represent.		
6	MR. HASLAM: Bob Haslam from		
7	Covington & Burling representing Aruba Networks.		
8	With me is my colleague, Kee Young Lee.		
9	MR. WANG: Philip Wang from the law		
10	firm of Russ August & Kabat, representing and on		
11	behalf of the Plaintiff XR Communications, LLC		
12	d/b/a Vivato Technologies.		
13	MS. LANE: Alexandra Lane from Duane		
14	Morris on behalf of Netgear and Falcon.		
15	THE VIDEOGRAPHER: The court reporter		
16	is Adrienne Mignano representing Planet Depos.		
17	Would the reporter please swear in		
18	the witness.		
19	Whereupon,		
20	CHRISTOPHER AMBROSE,		
21	being first duly sworn or affirmed to testify to		
22	the truth, the whole truth, and nothing but the		
23	truth, was examined and testified as follows:		
24	EXAMINATION BY COUNSEL FOR THE DEFENDANT -		
25	ARUBA NETWORKS		
1	BY MR. HASLAM:		
2	Q Mr. Ambrose, are you currently		
3	employed?		
4	A I am.		
5	Q What is your job?		
6	A I am an attorney, a partner with		
7	Ambrose Law Group, LLC.		
8	Q And you are taking time from work		
9	today to attend this deposition?		
10	A Correct.		
11	Q And do I -- am I correct that as a		
12	lawyer that you would typically bill for your		
13	time spent on various legal matters?		
14	A Correct.		
15	Q And you are taking time away from		
16	those legal matters that you might otherwise be		
17	attending in order to attend this deposition; is		
18	that correct?		
19	A Yes.		
20	Q And you have been subpoenaed to		
21	appear at this deposition?		
22	A Yes.		
23	Q What is your normal hourly rate?		
24	A 425 an hour.		
25	Q And has Aruba Networks agreed to pay		

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29	31
1 Vivato Networks, LLC?	1 became aware that Mr. Brooks had withdrawn from
2 MR. WANG: Objection. Privilege.	2 prosecuting patent applications on behalf of
3 A Can -- I'm sorry, can you repeat the	3 Catcher Holdings or Vivato Networks Holdings,
4 question?	4 LLC; is that correct?
5 Q Yeah. I was asking whether you	5 A Yes, at some point in time. It
6 were -- whether the funding that Aequitas was	6 appears to be at about this time Mr. Brooks was
7 providing was going to Catcher Holdings because	7 going to withdraw and communications were to be
8 Vivato Networks, LLC had been merged into it, or	8 sent to me.
9 whether the fund's funding was technically still	9 Q And had you discussed that with
10 funded through Vivato Networks, LLC?	10 Mr. Brooks prior to the time he filed what we're
11 MR. WANG: Objection. Form. Calls	11 looking at, Brooks Exhibit 7, identifying you as
12 for speculation and privilege.	12 the person for future -- to correspond with in
13 A I don't specifically recall the	13 the future?
14 timing and whether it went through Vivato	14 A I don't recall how it was
15 Networks, Inc. or LLC prior to the merger. My	15 communicated whether it was e-mail or a phone
16 general recollection is that it went -- it	16 call or through Mr. Haycox or how exactly it
17 ultimately ended up with Catcher Holdings. It	17 came about, but I certainly understood that
18 certainly did not end up with -- to the best of	18 Mr. Brooks was going to be withdrawing and
19 my knowledge, with Vivato Networks Holdings.	19 communications were to be sent to me. I can't
20 Q And, likewise, do you know whether or	20 also recall specifically whether it was for all
21 not, after the merger, that the funding was	21 the patents or just some of the patents or the
22 funneled to Vivato Networks, LLC, or had that	22 patent applications or what exactly.
23 company been merged into Catcher Holdings and no	23 Q And we will -- I will show you a
24 longer had separate corporate existence, if you	24 document later, a little later in this
25 know?	25 deposition, that indicates that the Patent
30	32
1 MR. WANG: Same objections.	1 Office telephoned you, I believe, in September
2 A After the merger, it no longer had a	2 of 2008, and I just want you to be aware of that
3 separate corporate existence.	3 in answering this next question.
4 Q Okay.	4 Do you believe -- did you know that
5 MR. HASLAM: Can we pull up Brooks	5 Mr. Brooks was withdrawing, at least as shown in
6 Exhibit 7. And, if you could, give control of	6 Exhibit 7, from this particular patent
7 this to the witness.	7 application around the time of April 2008, when
8 Q Can you scroll through this.	8 this document is signed, as opposed to becoming
9 (Witness reviewing document.)	9 aware of it later in September when the Patent
10 A Okay.	10 Office called you?
11 Q This is a document filed with the	11 MR. WANG: Objection. Form.
12 United States Patent and Trademark Office by	12 A I would have been aware that it was
13 Mr. Brooks requesting to withdraw as counsel for	13 happening at or about the time that he was
14 Vivato, Inc. Do you recall receiving a copy of	14 taking that action. I guess for purposes of
15 this at any time in 2008?	15 clarification, I'm just -- I can't say
16 A I don't.	16 specifically if it was April of 2008, but I knew
17 Q Can we just scroll down in this a	17 that he was withdrawing and that I was going to
18 little bit to the second page.	18 be having communications sent to me. Exactly
19 You'll notice on the page we're now	19 when it happened, I don't know. I'm assuming it
20 looking at, which is -- stop right there -- the	20 was April of 2008. It -- so it was not a
21 second page of Brooks Exhibit 7. Mr. Brooks	21 surprise.
22 indicates on this form you, at your law firm in	22 Q Okay. And you say it wasn't a
23 Bend, Oregon, as the person to contact in the	23 surprise. Why was that?
24 future.	24 A I knew at some point in time that
25 At some point in time, did you -- you	25 Mr. Brooks was not going to -- my apologies.

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9 (33 to 36)

<p>33</p> <p>1 Again, I just want to make sure I'm not getting 2 into attorney-client privileges. I was aware at 3 some point in time that Mr. Brooks was going to 4 step aside and that they needed somebody to have 5 communications sent to, and I agreed to be that 6 person.</p> <p>7 Q Did Mr. Haycox ask you to be that 8 person?</p> <p>9 MR. WANG: Objection. Privilege.</p> <p>10 A I don't recall if it was Mr. Haycox 11 or Mr. Brooks or -- I'm sure it would have been 12 one or the other.</p> <p>13 Q Did you become aware of the reason 14 Mr. Brooks was going to withdraw from 15 prosecuting patents for Catcher Holdings or 16 Vivato Networks Holdings?</p> <p>17 MR. WANG: Objection. Privilege.</p> <p>18 A I don't recall the reason.</p> <p>19 Q Did you become aware that he withdrew 20 because he was not getting his bills paid 21 timely --</p> <p>22 MR. WANG: Objection.</p> <p>23 Q -- or at all.</p> <p>24 MR. WANG: Objection. Privilege.</p> <p>25 Foundation. Speculation.</p>	<p>35</p> <p>1 obligation to provide payment to Mr. Brooks. I 2 never, nor did my firm, ever retain Mr. Brooks, 3 to the best of my knowledge, never sent a 4 payment to Mr. Brooks if there was any payment 5 to Mr. Brooks by my firm. Well, I guess I would 6 have to see it. I have no recollection of that 7 at all.</p> <p>8 Q Well, I'm not aware of it either, so 9 I am not going to show you anything.</p> <p>10 A No. I -- neither I nor Ambrose Law 11 Group had any obligations or took on any 12 obligations to deal with Mr. Brooks' payments.</p> <p>13 Q Okay. And it's correct that you 14 didn't undertake any obligations to supervise or 15 work with Mr. Brooks on his activities on behalf 16 of Vivato Networks Holdings or Catcher Holdings, 17 correct?</p> <p>18 A Never.</p> <p>19 Q And I think you said at some point 20 when you were aware Mr. Brooks was withdrawing 21 that you would need some -- you would need 22 somebody to carry on, correct?</p> <p>23 A My recollection is that -- and I 24 believe I used the word "placeholder" earlier, 25 that I knew Mr. Brooks was withdrawing or wanted</p>
<p>34</p> <p>1 A I don't.</p> <p>2 Q Were you responsible in any way for 3 paying Mr. Brooks for his services?</p> <p>4 A No.</p> <p>5 Q You didn't cut checks, you didn't 6 review bills or have anything to do with the 7 process of receiving the bills or paying the 8 bills?</p> <p>9 A No.</p> <p>10 Q And at some point in time, you did 11 not become aware that the reason Mr. Brooks 12 withdrew had to do with his concerns about 13 billing?</p> <p>14 MR. WANG: Objection. Privilege.</p> <p>15 Speculation.</p> <p>16 A I don't recall that specifically. I 17 just can't really recall the reason why he was 18 withdrawing. Yeah, I'm sorry, I just can't 19 recall at this time.</p> <p>20 Q Okay. But, in any event, you were 21 not responsible for -- in any way in the process 22 of getting Mr. Brooks paid for the work he was 23 doing?</p> <p>24 A I had no recollection at all and 25 would not have entered into any kind of an</p>	<p>36</p> <p>1 to withdraw for whatever reason and that because 2 he was withdrawing somebody needed to receive 3 the communications. I am not a patent attorney 4 and -- but did agree that I would be, again, a 5 placeholder to receive communications while they 6 essentially worked on finding replacement patent 7 counsel.</p> <p>8 Q Did you do anything to find 9 replacement patent counsel?</p> <p>10 A I did not.</p> <p>11 Q Was it your understanding that if 12 replacement patent counsel was to be obtained, 13 it would be handled by either Vivato Networks 14 Holdings, LLC or Catcher Holdings?</p> <p>15 A Correct.</p> <p>16 MR. WANG: Objection. Privilege.</p> <p>17 Q And as far as you understood, that 18 would be the responsibility of Mr. Haycox or 19 someone that he delegated that responsibility 20 to?</p> <p>21 A Correct.</p> <p>22 MR. HASLAM: Can we have Tab 47, and 23 can you give -- we'll mark this as the next 24 exhibit in order. I think that's Exhibit 3.</p> <p>25</p>

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12 (45 to 48)

45	47
1 were these -- I shouldn't say "these." The only	1 you, Mr. Ambrose?
2 Notice of Abandonment that I had received was	2 THE WITNESS: Certainly. Thank you.
3 the one that I had referenced from him, but I	3 MR. HASLAM: Okay. Off the record.
4 just can't recall the specifics of how it ended	4 THE VIDEOGRAPHER: Off record, 1:17.
5 other than with the possibility of, perhaps, him	5 (A recess was taken.)
6 taking over the prosecution.	6 THE VIDEOGRAPHER: On record, 1:26.
7 MR. HASLAM: We can take that exhibit	7 MR. HASLAM: Before we go on --
8 down.	8 MR. WANG: Mr. Haslam -- oh, sorry.
9 Q In connection with getting notice	9 I apologize to interrupt. I want to note a few
10 that Mr. Brooks was withdrawing from prosecuting	10 things for the record. So, one, Plaintiff XR,
11 patents on behalf of Vivato Networks Holdings or	11 we reiterate our request for communications
12 Catcher Holdings, did you ever have, in 2008,	12 between Mr. Ambrose and Aruba or the Covington
13 any communications about that subject with	13 firm. I think that's been discussed in e-mails.
14 anyone from an Aequitas entity?	14 Also, Mr. Ambrose testified that he
15 A I don't recall any specific	15 is being compensated, so, obviously,
16 discussions with any -- anyone from Aequitas in	16 communications related to that, including any
17 preparation of the documents pertaining to the	17 agreements, we ask that those be produced
18 loan. I do recall that some of the applications	18 immediately.
19 were pending, some of the applications were	19 And then, we would also note that
20 abandoned. It's possible the topic came up, but	20 we've objected on the record regarding
21 I don't recall any specific discussions about	21 privileged information, and so we'll maintain
22 that.	22 that objection, and we'll reserve our rights to
23 Q You said relating to the documents	23 that on the record. Now, waiving our objection,
24 relating to the loan. What loan are you	24 we reserve all rights.
25 referring to?	25 MR. HASLAM: This is not the time to
46	48
1 A The Aequitas loan in December of	1 take time -- Ms. Ambrose's time of responding to
2 2007, the \$1 million loan.	2 all of that. A meet-and-confer has taken place.
3 Q And was -- that was the loan to	3 We have your requests, we've got your
4 Catcher Holdings?	4 objections, so let's move on.
5 A I thought it was to Vivato -- well,	5 Q Mr. Ambrose, you did mention that you
6 yes, because they merged, so I guess to Catcher	6 had received a letter from Mr. Brooks in early
7 Holdings or Vivato Networks, Inc. Again, I'm a	7 November 2008?
8 little bit blurry on exactly the time -- the	8 A Correct.
9 timing of that, but that is the --	9 Q Could I ask you to send me a copy of
10 Q Okay.	10 that, and I will make sure that it gets
11 A -- the only -- there was only one	11 circulated to all counsel in this case?
12 Aequitas loan that I'm aware of.	12 A Certainly. Do you want me to do that
13 Q Okay. And did -- with respect to	13 now, or --
14 that loan, did Aequitas maintain, as far as you	14 Q No, you can -- is it just the letter
15 knew, any control over disbursements that were	15 that says -- actually, if you have the letter,
16 made out of the loan funds?	16 can you just read it?
17 MR. WANG: Objection. Speculation.	17 A Certainly. It is a letter dated
18 A I don't recall having any involvement	18 November 6, 2008 to Vivato Networks Holdings,
19 at all with respect to the disbursement of the	19 LLC in care of me at my Bend office re: Notice
20 funds, so I'm not sure how they were disbursed,	20 of Abandonment for Application Serial Number
21 when they were disbursed, and to whom they were	21 10/700342.
22 disbursed.	22 "Dear Mr. Ambrose, we have mistakenly
23 MR. HASLAM: Okay. We've been going	23 received a Notice of Abandonment for the
24 a little bit over an hour. Why don't we take a	24 above-referenced file. As you are aware, we no
25 brief break, ten minutes. Is that okay with	25 longer represent Vivato Networks Holdings, LLC

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49	51
1 in this matter. As a courtesy, attached is a	1 MR. WANG: There was, in the
2 copy of our granted petition to withdraw from	2 question, abandonment by an attorney.
3 representation in this matter in addition to the	3 MR. HASLAM: Okay.
4 Notice of Abandonment. Brooks, Cameron and	4 BY MR. HASLAM:
5 Huebsch" -- I apologize -- "PLLC appreciates all	5 Q If you would like me to rephrase the
6 of our work together. We wish you continued	6 question, Mr. Ambrose, I'm happy to. Otherwise,
7 success in your business endeavors." Sent from	7 if you have an answer, I would take it.
8 Edward J. Brooks, managing partner at the firm.	8 A Can you read back the question,
9 Enclosures: Cc: via e-mail Gary Haycox and	9 please?
10 Chris Ambrose.	10 Q Yeah, I'll state it again.
11 And then attached to that is the	11 After the -- Mr. Brooks abandoned --
12 Notice of Abandonment for Application -- the	12 filed the Notice to Withdraw as Patent Counsel,
13 same application number, 10/700342, along with	13 did you ever receive a call from anyone at
14 the interview summary, which may or may not be	14 Aquitas asking you any questions about
15 the same one you referenced earlier, and the	15 Mr. Brooks' withdrawal or any abandoned
16 Decision on Petition to Withdraw from Record	16 applications that resulted from Mr. Brooks'
17 regarding that same application number.	17 withdrawal as prosecution counsel for Vivato
18 Q Thank you.	18 Networks Holdings or Vivato Catcher -- Catcher
19 Have you ever been contacted by an	19 Holdings?
20 attorney by the name of Carl Schwedler?	20 A Not that I recall, no.
21 A Does not ring a bell.	21 Q After Mr. Brooks withdrew prosecuting
22 Q He was on attorney at Bullivant,	22 patent applications on behalf of Vivato Networks
23 B-U-L-L-I-V-A-N-T, Houser, Bailey, P.C., a	23 Holdings or Catcher Holdings and the patents
24 California law firm.	24 that he was working on went abandoned, did you
25 A I'm familiar with the firm, but I	25 have any communications from anyone at
50	52
1 don't recall having any communications with that	1 XR Communications asking you about the
2 attorney.	2 circumstances surrounding the abandonment of the
3 Q Do you recall having any	3 patent applications or the withdrawal of
4 communications with a Daniel P. Burke, who is a	4 Mr. Brooks?
5 lawyer in Oyster Bay, New York. It is a lawyer	5 A No.
6 for XR communications.	6 Q And that would include any
7 A No.	7 conversations from an Adrian Straplevi, any
8 Q Have you had any after -- let me put	8 conversations with him?
9 a time frame on this. After Mr. Brooks withdrew	9 A I don't recognize that name, so --
10 from prosecuting patents in 2008, did you	10 Q Likewise, any -- sorry. I didn't
11 ever -- did you ever hear from Mr. Schwedler?	11 mean to cut you off.
12 A I don't have any recollection of that	12 A So no.
13 at all.	13 Q Any conversations on the same topics
14 Q Likewise, did he -- did you have any	14 with a Mr. Ty Hansen?
15 communication with Mr. Burke?	15 A I don't recall that name, so no.
16 A I don't have any recollection of that	16 Q Any such conversations with Ron
17 at all.	17 Chaffee.
18 Q Did you have, in that time frame, any	18 A No.
19 time after the abandonment by Mr. Brooks of the	19 Q Any conversations with an Adrian
20 patent applications, any communications from	20 Zajac?
21 anyone from Aquitas concerning the abandoned	21 A No.
22 applications?	22 Q Is it correct, then, that after
23 MR. WANG: Objection. Form.	23 Mr. Brooks withdrew in 2008 from prosecuting
24 Compound and speculation. Mischaracterizes.	24 patents on behalf of Vivato Networks Holdings or
25 MR. HASLAM: Mischaracterizes what?	25 Catcher Holdings and after those patent

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